

POLICE/SHERIFF'S DEPARTMENT		GENERAL ORDERS	
SUBJECT: Impounds		NUMBER: 2-33	
EFFECTIVE DATE: July 1, 1999		REVIEW DATE:	
AMENDS/SUPERSEDES: GO 2-33, January 1988		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 61.4.3		VLEPSC STANDARDS: OPR.07.08, 07.14, 07.16	

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Abandoned vehicles
Impounds
Inventory (of vehicles)
Towing

I. POLICY

Officers must understand when the towing and storage of vehicles is appropriate and legal. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and citizens view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. In either case, a motor vehicle is an important piece of personal property that must be managed and supervised if it enters police custody. Whenever possible, owners or operators of vehicles for which towing is required will be encouraged to specify a towing service of their own choice.

II. PURPOSE

To establish procedures for towing vehicles.

III. PROCEDURES - General

A. Accident

Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay.

1. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers shall not use departmental vehicles to push cars unless equipped with push bars and the officer has been trained in its use.
2. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic, or airplane accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations.

C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense. ***[Cite applicable local ordinance. §§ 46.2-1209 to -1213 apply.]***

D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

E. Blocking driveway or parking area

Any officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the owner's expense. ***[Cite applicable local ordinance. § 46.2-1211 applies.]***

F. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law. *[Cite applicable local ordinance. § 46.2-1209 to -1213 apply.]*

G. Unattended vehicle

Whenever any motor vehicle is left unattended for more than ten days upon any public or privately-owned property other than the property of the vehicle owner, the officer may order it towed at the owner's expense. *[Cite applicable local ordinance.]*

H. Abandoned vehicle

1. Whenever any motor vehicle is abandoned upon public or privately-owned property without the permission of the owner, lessee, or occupant thereof, the officer may order it towed at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker or a valid state inspection, and it has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours or on private property for more than 48 hours without the property owner's consent, regardless of whether it was brought onto the private property with the consent of the owner (§ 46.2-1200).

[Note: § 46.2-1201 allows counties, cities, and towns to enact ordinances for taking abandoned vehicles into custody and disposing of them. Insert here references to pertinent local laws and ordinances. § 46.2-1213 allows localities to enact ordinances for the removal for safekeeping of vehicles left unattended upon a public highway, illegally parked, or left unattended upon public or private property without the owner's permission for more than ten days.]

I. Removal from private property

1. No removal shall be ordered from private property under subparagraphs G and H above without receiving a written request of the owner, lessee, or occupant thereof. Such request shall indemnify the town against any loss incurred by reason of removal, storage, or sale thereof.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

[Cite applicable local ordinances. Refer to §§ 46.2-1208, -1215, -1219.1, and -1231. These statutes address removal of motor vehicles from private property.]

J. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the officer to *[specify location]* at department expense.
2. Vehicles that have been knowingly used by the owner or by another as described under § 18.2-110 shall be seized and forfeited to the Commonwealth. See GO 2-36, asset forfeiture.

K. DUI vehicles

A vehicle driven by a DUI suspect that is legally and safely parked shall be locked and left there if the arrestee consents. The arrestee may turn the keys over to a friend or relative who will move the vehicle, or the suspect may request the vehicle be towed by a particular garage. If the suspect (1) does not consent to locking and leaving a legally and safely parked vehicle or (2) refuses to allow a friend or relative to move the vehicle, or (3) does not request a particular tow service to move an illegally parked or hazard-creating vehicle, the officer may order it towed for safekeeping at the owner's expense.

IV. TOWING PROCEDURES

- A. Officers shall know under which provisions (subparagraphs A-K above) and laws the vehicle shall be towed.
- B. Preferably, use the vehicle owner's or operator's choice of towing company.
- C. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- D. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.
 1. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- E. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- F. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- G. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.

V. INVENTORY

A. Authority and purpose

A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. Any motor vehicle inventory must strictly observe the provisions of this general order. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

1. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver.
2. After towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by GO 2-1, constitutional safeguards.

- C. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See GO 2-1 and GO 2-5 for further details.

- D. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.

- E. Before the vehicle is removed, officers shall obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.

F. Inventory procedures

1. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found. *[Note: If a question arises about forcible entry into*

locked containers or compartments, contact your commonwealth's attorney.]

2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents.
3. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures as outlined in GO 2-15 and GO 2-16.